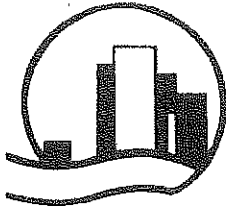


ILD 044 519 098

Rec'd OK/JK 2-25-98

281



Citizens for a Better Environment

Board of Directors

Elizabeth (Bo) Black
*Executive director,
Milwaukee World
Festival, Inc.*

Thomas J. Crawford
*Attorney, Milwaukee
Metropolitan Sewerage
District*

Chairperson

Michael Finn
*Vice President,
Recycling Services, Inc.*

Louis G. Fortis
*President,
Fortis and Associates*

Beverly Greenberg
*Vice President,
Warner Cable
Communications, Inc.*

Treasurer

Richard Tworek
*Principal, Kupferberg,
Goldberg & Niemark*

Vice Chair

Martin Wojcik
*Foundation Officer, Mayo
Foundation for Medical
Education and Research*

CBE Offices

Illinois
407 South Dearborn
Suite 1775
Chicago, IL 60605
(312) 939-1530
Fax (312) 939-2536

Minnesota
Minneapolis

Wisconsin
Milwaukee
Madison

BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED

January 28, 1998

Coleman Cable Systems Inc.
2500 Commonwealth Ave.
North Chicago, IL 60064

RECEIVED

FEB 03 1998

Jim Coleman
President & CEO
Coleman Cable Systems Inc.
2500 Commonwealth Ave.
North Chicago, IL 60064

U.S. EPA REGION I
OFFICE OF REGIONAL ADMINISTRATION

CT Corporation Systems
Registered Agent for Coleman Cable Systems
208 South LaSalle St.
Chicago, IL 60604-1136

RE: Notice of CBE's Intent to Sue Coleman Cable Systems Inc.
for Violations of the Clean Water Act

Dear Coleman Cable Systems Inc.:

Citizens for a Better Environment ("CBE") recently conducted an investigation of your facility (hereinafter "your facility") located at and around 2500 Commonwealth Ave., North Chicago, IL, 60064. CBE has determined that Coleman Cable Systems Inc. is in violation of the requirements of the federal Clean Water Act ("the Act"). This notice is given pursuant to Section 505(b) of the Act, 33 U.S.C. § 1365(b), and 40 C.F.R. § 135 which requires sixty (60) days notice of the alleged violations prior to commencement of a citizen suit.

This letter addresses Coleman Cable Systems' unpermitted discharge of contaminated storm water from the above referenced facility. This letter also addresses Coleman Cable System's failure to comply with the requirements of the National Discharge Elimination System ("NPDES"), General Permit No. IL R 00(xxxx) issued pursuant to Section 402 of the Act, 33 U.S.C. § 1342 (hereinafter "General Permit").

STATUTORY FRAMEWORK

Storm water discharge has been cited as a leading cause of water quality impairment, and Congress has enacted a permit system to prevent

407 S. Dearborn St., Suite 1775, Chicago, IL 60605
(312) 939-1530

illicit storm water discharges from degrading the waters of the United States. 55 Federal Register 47990. Section 301 of the federal Clean Water Act ("the Act") provides that the discharge of pollutants to waters of the United States from any point source is effectively prohibited unless such discharge is in compliance with an NPDES permit issued pursuant to Section 402 of the Act. 33 U.S.C. §§ 1311, 1342. Pursuant to the Act, the Illinois Environmental Protection Agency has issued a General Permit to all industrial discharges of storm water. In order to lawfully discharge storm water in Illinois, industrial dischargers must comply with the terms of Illinois' General Permit, or obtain and comply with an individual NPDES permit.

The Act provides that individual states may be delegated authority from the federal government to administer the NPDES permit program within their boundaries. Illinois has been delegated authority to administer the NPDES program, and Illinois EPA ("IEPA") is the governmental entity authorized to issue NPDES permits. As authorized by the Act, IEPA has issued a single statewide General storm water permit ("General Permit"). U.S.C. § 1342. In order to lawfully discharge storm water in Illinois, industrial dischargers must comply with the terms of the General Permit, or obtain and comply with an individual NPDES permit.

Coleman Cable Systems' violations of the Illinois General Permit and Sections 301 and 402 of the Act substantially contribute to an ongoing storm water pollution problem. Illinois' General Permit and Sections 301 and 402 of the Act impose certain requirements upon facilities with certain designated Standard Industrial Codes ("SIC codes"), as set forth at 40 CFR § 122.26, and Section A of the General Permit. As such a facility, Coleman Cable Systems is subject to the requirements set forth therein. As set forth below, Coleman Cable Systems is in violation of the requirements of the Act and Illinois' General Permit.

NOTICE OF INTENT TO SUE COLEMAN CABLE SYSTEMS INC. FOR VIOLATIONS OF THE CLEAN WATER ACT AND THE GENERAL PERMIT

The Clean Water Act allows any person to bring a lawsuit in federal court against a facility for failure to comply with the Act's requirements. The Court hearing the lawsuit has the authority to enforce the provision violated, impose civil penalties upon the violator, and award the citizen plaintiff attorneys fees and costs, as provided by the Act. The Act requires that written notice of intent to sue be given to the violator at least sixty (60) days prior to commencement of suit.

Coleman Cable Systems is subject to the requirements of the General Permit as an industrial facility which functions as manufacturer of electrical wire and cable, as listed under Part A of Illinois' General Permit. CBE's search of the records of the Illinois Environmental Protection Agency revealed that Coleman Cable Systems has filed a Notice of Intent ("NOI") to be covered under Illinois' General Permit on October 2, 1992, but has not complied with the requirements of the Act and the General Permit. Section C(2) of the General Permit requires Coleman Cable Systems to submit sampling data

from storm water discharges to IEPA, as required by USEPA Form 2f, by April 1, 1993. Coleman Cable Systems has not submitted quantitative data to the IEPA, and, therefore, has operated in violation of the General Permit and the Act each day since April 1, 1993. Such violations will continue until such time as compliance is achieved. **CBE hereby puts Coleman Cable Systems on notice of CBE's intention to sue them, after the expiration of sixty (60) days from the date of this Notice of Intent to Sue, for violations of Illinois' General Permit and Sections 301 and 402 of the Act.** In addition to the violation described above, upon information and belief, such violations include failure to do the following acts:

1. Develop a Storm Water Pollution Prevention Plan ("SWPPP")

Coleman Cable Systems is in violation of the General Permit and §§ 301 and 402(p) of the Act, 33 U.S.C. §§ 1311, 1342(p), for failure to develop a SWPPP. In Section D of the General Permit, IEPA requires facilities subject to the General Permit to prepare and implement a SWPPP. Failure to develop and implement a SWPPP is a violation of the Act and the General Permit. Coleman Cable Systems has been in violation of this requirement, and continues to be in violation of these requirements until such time as compliance is achieved.

2. Site Map and Narrative Description

As described generally above, Section (D)(5)(a) - (f) of the General Permit require, among other items, preparation of a topographic map, site map, and narrative description showing items specified in the General Permit. By its failure to develop the required materials, Coleman Cable Systems has operated in violation of these requirements, and such violations will continue until compliance is achieved.

3. Storm Water Management Controls

Section D(6) of the General Permit requires the facility to consider the nature of the potential pollutants at the facility, and to implement storm water management practices at the facility. The facility must document descriptions of these practices in their SWPPP. Coleman Cable Systems has not implemented storm water management practices. Coleman Cable Systems' facility contains large areas of raw materials exposed to the elements, without any method of containment of runoff contaminated with pollutants from raw materials. Coleman Cable Systems has, therefore, operated in violation of the General Permit and the Act, and said violations will continue until such time as compliance is achieved.

4. Best Management Practices

Section D(6)(e) of the General Permit and §§ 301 and 402 of the Act require industrial facilities such as Coleman Cable Systems to implement Best Management

Practices ("BMPs") in order to control and eliminate storm water pollution. Coleman Cable Systems has failed to develop and implement BMP's at the facility, and has, therefore, operated and continues to operate in violation of Illinois' General Permit and §§ 301 and 402 of the Act.

Coleman Cable Systems has failed to adopt BMPs to prevent waste materials, raw materials, equipment, and other material from being exposed to the elements and, therefore, serving as an origin for storm water contaminants. Additionally, Coleman Cable Systems has failed to place effective measures to prevent contaminated storm water from draining from the facility into the storm water drains. Moreover, the slope and location of the facility and the uneven ground upon which the facility is located may cause liquid, debris and significant quantities of contaminated storm water to flow directly into the storm drain. The facility has been in violation of these requirements, and such violations will continue until such time as complete compliance is achieved.

5. Testing and Certification for Non-Storm Water Pollutants

Section D(7) of the General Permit requires Coleman Cable Systems to sample storm water discharge for the presence of non-storm water discharges and to certify that such sampling is accurate. The sampling results and certification must be included in the SWPPP. Coleman Cable Systems has failed to sample storm water discharge. Thus, Coleman Cable Systems has violated and continues to violate the General Permit and the Act until such time as compliance is achieved.

6. Annual Inspection and Reporting

Sections D(8) and F of the General Permit and §§ 301 and 402 of the Act require the facility to conduct an annual inspection to verify that all requirements are being met, and that all reporting to the permitting authority is accurate. Any significant observations must be submitted to IEPA. Coleman Cable Systems has not conducted annual inspections. Thus, Coleman Cable Systems has violated and continues to violate the General Permit and the Act until such time as compliance is achieved.

7. Prevent Discharges of Non-Storm Water Pollutants

Both the General Permit and the Act make unlawful the discharge of non-storm water pollutants into storm drains. Information currently available demonstrates that Coleman Cable Systems has violated the non-storm water prohibition on each precipitation event and during each significant thaw, since the effective date of the General Permit. These violations will continue on each such event until such time as compliance is achieved.

Upon information and belief, Coleman Cable Systems' facility contains significant areas of raw materials exposed to precipitation. (see attached photos 1-5).

Moreover, the facility does not contain preventative measures to prevent the introduction of pollutants into storm water discharge. The facility contains large open areas where raw materials and equipment remain open to the elements. Frozen precipitation was observed upon raw materials and equipment. During rain events and/or thaws, these materials introduce contaminants into storm water flow, which then enters storm drains and receiving waters.

Upon information and belief, non-storm water materials have been discharged into the storm sewer system from the facility in violation of the General Permit and the Act. These violations are ongoing.

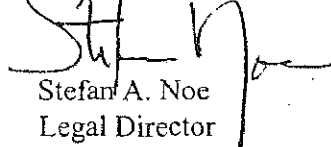
Pursuant to Section 309(d) of the Act, each of the above described violations of the Act subjects Coleman Cable Systems to civil penalties. Additionally, CBE may seek injunctive relief preventing further violations of the General Permit and the Act pursuant to Sections 505(a) and (d) of the Act, 33 U.S.C. §§ 1365(a) and (d); and other relief as permitted by law. Pursuant to Section 505(d) of the Act, 33 U.S.C. § 1365(d) the prevailing party may recover costs and attorney's fees.

CBE intends to sue on behalf of itself, its members, and may also represent other parties. CBE hereby gives notice of the alleged violations at your facility to your registered agent for service of process, the EPA Administrator, the EPA Regional Administrator, the facility manager, the Manager of the Permit Section for the Division of Water Pollution Control at IEPA, the Illinois Attorney General, the Governor of Illinois, and the United States Attorney General. This Notice of Intent to Sue covers all violations of the Act that are known to CBE from public records now available to CBE. CBE's suit, when filed, may also address such other violations as may become apparent after the service of the Notice. CBE reserves the right to amend any such lawsuit pursuant to the Federal Rules of Civil Procedure.

If Coleman Cable Systems has filed and/or prepared the items alleged to have been omitted pursuant to the General Permit for the above described facility, CBE hereby requests that copies of these documents be provided to CBE as soon as possible. All of these documents are public record under Section 308(b) of the Act, and are not confidential.

CBE intends to file suit sixty (60) days from the date of this letter. If you are interested in resolving this matter prior to initiation of litigation, contact Stefan Noe at (312) 939-1530.

Sincerely,



Stefan A. Noe
Legal Director
Citizens for a Better Environment
407 South Dearborn Street, Suite 1775
Chicago, IL 60605

cc: (With black and white copies of photos) (via certified mail)

Carol Browner, Administrator
USEPA
401 M Street, S.W.
Washington, D.C. 20460

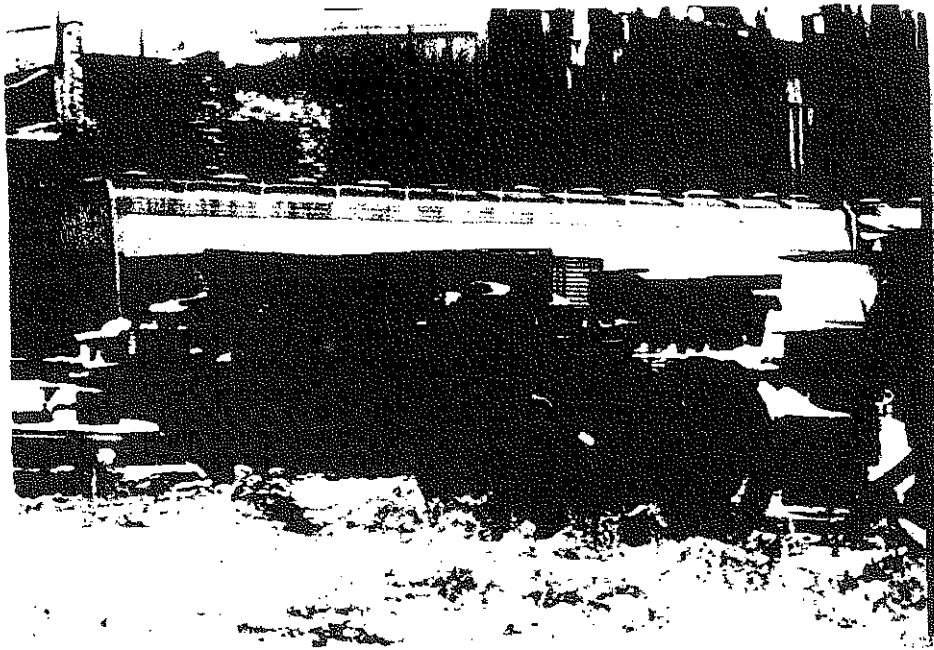
Janet Reno
U.S. Attorney General
U.S. Department of Justice
Tenth and Constitution Ave., N.W.
Washington, D.C. 20530

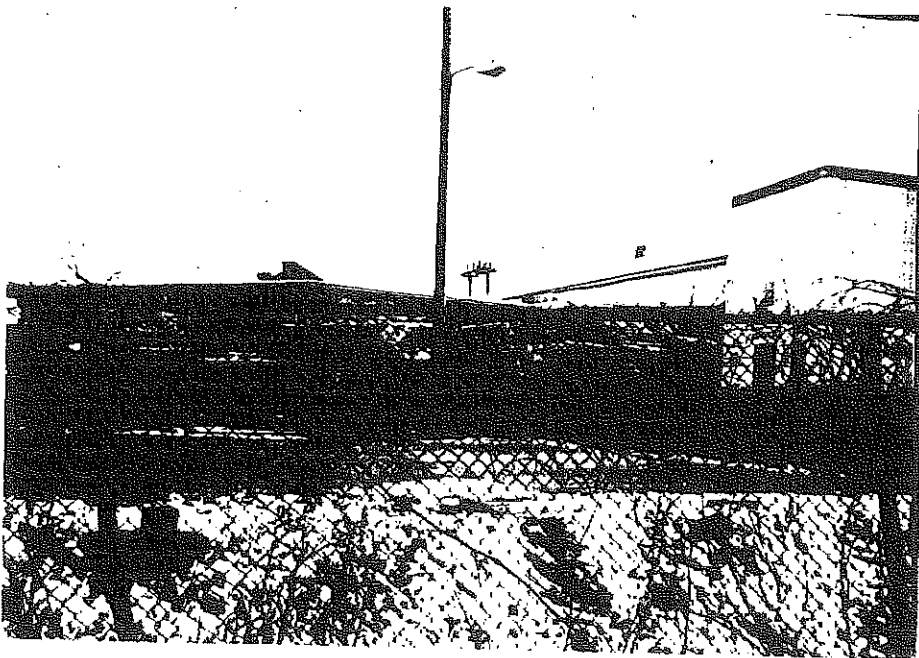
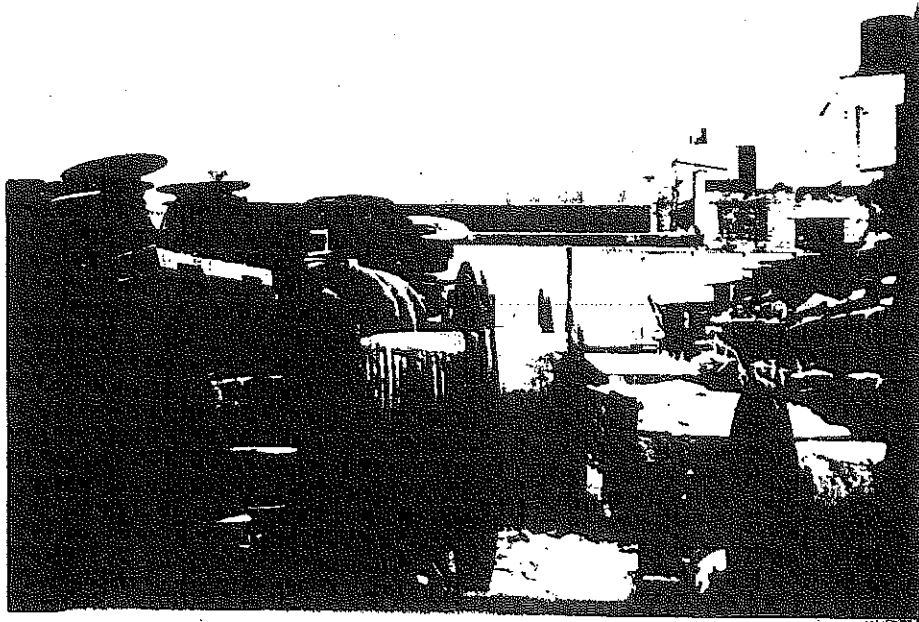
The Honorable Jim Edgar
Governor of Illinois
207 State House
Springfield, IL 62706

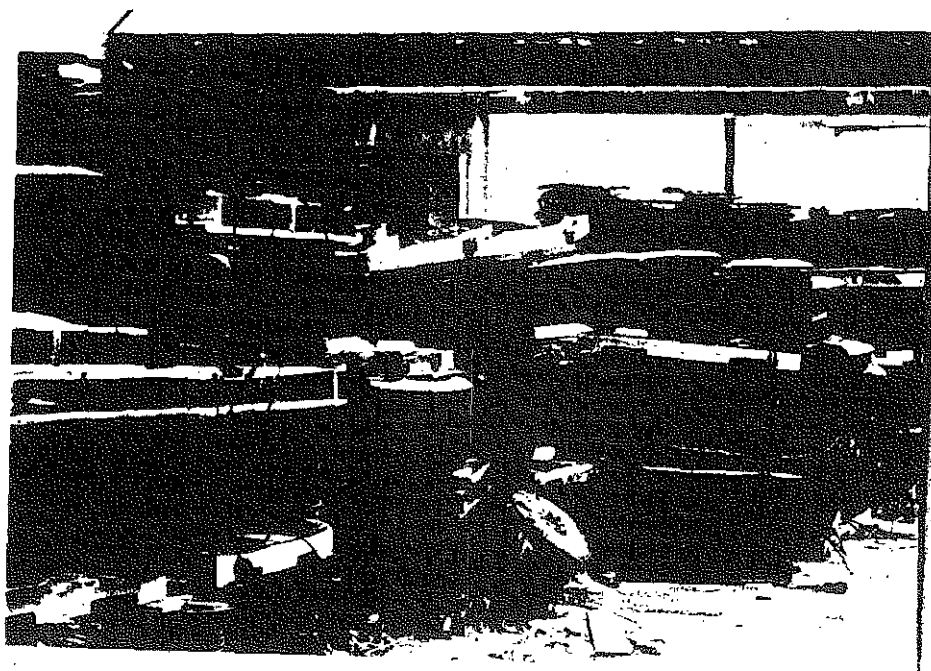
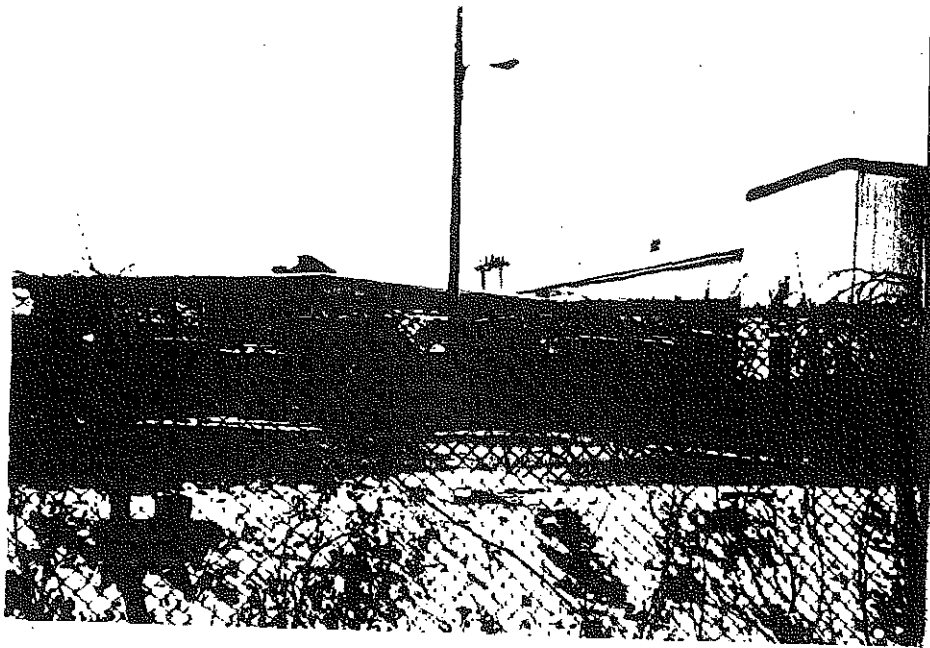
David Ullrich
Acting Regional Administrator
USEPA Region 5
77 West Jackson R19-J
Chicago, IL 60604

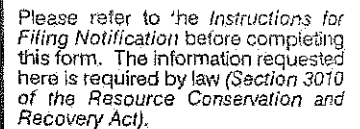
Thomas McSwiggin
Manager, Permit Section
Division of Water Pollution Control
Illinois Environmental Protection Agency
2200 Churchill Road
P.O. Box 19276
Springfield, IL 62794-9276

The Honorable Jim Ryan
Illinois Attorney General
100 West Randolph Street
12th Floor
Chicago, IL 60601









Comments

RECEIVED
0971255028
FEB - 5 1990

Continue on reverse

EPA Form 8700-12 (Rev. 10-88) Previous edition is obsolete

EPA		United States Environmental Protection Agency Washington, DC 20460		3942		Please refer to the Instructions for Filing Notification before completing this form. The information requested here is required by law (Section 3010 of the Resource Conservation and Recovery Act).	
For Official Use Only							
Comments							
Installation's EPA ID Number							
Approved							
Date Received (yr. mo. day)							
I. Name of Installation							
II. Installation Mailing Address							
Street or P.O. Box							
City or Town							
State							
ZIP Code							
III. Location of Installation							
Street or Route Number							
City or Town							
State							
ZIP Code							
IV. Installation Contact							
Name and Title (last, first, and job title)							
Phone Number (area code and number)							
V. Ownership							
A. Name of Installation's Legal Owner							
B. Type of Ownership (enter code)							
VI. Type of Regulated Waste Activity (Mark 'X' in the appropriate boxes. Refer to Instructions.)							
A. Hazardous Waste Activity							
B. Used Oil Fuel Activities							
VII. Waste Fuel Burning: Type of Combustion Device (enter 'X' in all appropriate boxes to indicate type of combustion device(s) in which hazardous waste fuel or off-specification used oil fuel is burned. See instructions for definitions of combustion devices.)							
VIII. Mode of Transportation (transporters only - enter 'X' in the appropriate box(es))							
IX. First or Subsequent Notification							
Mark 'X' in the appropriate box to indicate whether this is your installation's first notification of hazardous waste activity or a subsequent notification. If this is not your first notification, enter your installation's EPA ID Number in the space provided below:							
A. First Notification							
B. Subsequent Notification (complete item C)							
C. Installation's EPA ID Number							

EPA Form 8700-12 (Rev. 10-88) Previous edition is obsolete

United States Environmental Protection Agency
Washington, DC 20460

Notification of Hazardous Waste Activity

Please refer to the instructions for Filing Notification before completing this form. The information requested here is required by law (Section 3010 of the Resource Conservation and Recovery Act).

For Official Use Only

Comments

Installation's EPA ID Number												Approved		Date Received		
1 L D 0 4 4 5 1 9 0 9 8												A		9 0 0 2 2 0		
I. Name of Installation																
C O L E M A N C A B L E S Y S T E M S																
II. Installation Mailing Address																
Street or P.O. Box																
2 5 0 0 C O M M O N W E A L T H A V E																
City or Town												State		ZIP Code		
N O R T H C H I C A G O												I L		6 0 0 6 4		
III. Location of Installation																
Street or Route Number																
2 5 0 0 C O M M O N W E A L T H A V E																
City or Town												State		ZIP Code		
N O R T H C H I C A G O												I L		6 0 0 6 4		
IV. Installation Contact																
Name and Title (last, first, and job title)												Phone Number				
J I M M I L L E R M A I N T. MGR.												7 0 8 6 8 9 9 0 9 0				
V. Ownership																
A. Name of Installation's Legal Owner												B. Type of Ownership				
E L E C T R I C A L C O N D U C T O R S I N C.												P				

VI. Type of Regulated Waste Activity (Mark 'X' in the appropriate boxes. Refer to instructions.)

A. Hazardous Waste Activity		B. Used Oil Fuel Activities	
<input type="checkbox"/> 1a. Generator	<input checked="" type="checkbox"/> 1b. Less than 1,000 kg/mo.	<input checked="" type="checkbox"/> 6. Off-Specification Used Oil Fuel	
<input type="checkbox"/> 2. Transporter		<input type="checkbox"/> a. Generator Marketing to Burner	
<input type="checkbox"/> 3. Treater/Storer/Disposer		<input type="checkbox"/> b. Other Marketer	
<input type="checkbox"/> 4. Underground Injection		<input type="checkbox"/> c. Burner	
<input type="checkbox"/> 5. Market or Burn Hazardous Waste Fuel		<input type="checkbox"/> 7. Specification Used Oil Fuel Marketer (or On site Burner)	
(enter 'X' and mark appropriate boxes below)		Who First Claims the Oil Meets the Specification	
<input type="checkbox"/> a. Generator Marketing to Burner			
<input type="checkbox"/> b. Other Marketer			
<input type="checkbox"/> c. Burner			

U. S. EPA, REGION V
SWB - PMS

IEPA/DLP

VII. Waste Fuel Burning: Type of Combustion Device (enter 'X' in all appropriate boxes to indicate type of combustion device(s) in which hazardous waste fuel or off-specification used oil fuel is burned. See instructions for definitions of combustion devices.)

<input type="checkbox"/> A. Utility Boiler	<input type="checkbox"/> B. Industrial Boiler	<input type="checkbox"/> C. Industrial Furnace		
VIII. Mode of Transportation (transporters only - enter 'X' in the appropriate box(es))				
<input type="checkbox"/> A. Air	<input type="checkbox"/> B. Rail	<input type="checkbox"/> C. Highway	<input type="checkbox"/> D. Water	<input type="checkbox"/> E. Other (specify)

IX. First or Subsequent Notification

Mark 'X' in the appropriate box to indicate whether this is your installation's first notification of hazardous waste activity or a subsequent notification. If this is not your first notification, enter your installation's EPA ID Number in the space provided below.

- ☒ A. First Notification ☐ B. Subsequent Notification
(complete item C)

C. Installation's EPA ID Number



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

230 SOUTH DEARBORN ST.

CHICAGO, ILLINOIS 60604

REPLY TO THE ATTENTION OF:

MAR 26 1990

Dear Notifier:

Enclosed you will find the U.S. Environmental Protection Agency (U.S. EPA) Identification (ID) number that has been assigned to your installation. This ID number must appear on all manifest forms when transporting hazardous waste. You will find your ID number on the second line of the copy of the enclosed notification form. This letter confirms that you have filed a Notification of Hazardous Waste Activity (form 8700-12) to comply with Section 3010 of the Resource Conservation and Recovery Act (RCRA). This letter and the enclosed copy of the notification form should be retained for future use.

If your facility is in the state of Michigan and you were previously issued an ID number with an MIG prefix, do not use the MIG number. This is a state number. Be sure to use the MID number only.

If you have any further questions regarding hazardous waste activity, please contact the Region V Solid Waste Hotline at (312) 886-4001.

Sincerely yours,

Arthur S. Kawatachi
Information Section
Office of RCRA

Enclosure